

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

AVANTE INTERNATIONAL )  
TECHNOLOGY, INC., )  
                       )  
Plaintiff and         )  
Counterclaim Defendant )  
                       )  
vs.                     )         Case No. 4:09CV1161 AGF  
                       )  
HART INTERCIVIC, INC., )  
                       )  
Defendant and         )  
Counterclaim Plaintiff. )

**ORDER**

**IT IS HEREBY ORDERED** that Plaintiff's motion [Doc. #154] for leave to file its Fourth Amended Complaint is **GRANTED**. In this new complaint, Plaintiff adds U.S. Patent No. 7,036,730 ("the '730 patent") back into the case. This patent was withdrawn from the case about one month ago, in light of a finding of noninfringement of the patent, in another case in this Court. That finding, however, has since been vacated. The Court believes that under these circumstances, Plaintiff has made a sufficient showing of good cause to allow it to amend its complaint, under Federal Rule of Civil Procedure 16(b), by reasserting the '730 patent claim in the present suit. Nor will the amendment cause undue prejudice to Defendant or undue delay.

**IT IS FURTHER ORDERED** that on or before January 14, 2010, the parties shall submit to the Court a new joint proposed scheduling plan, in lieu of the one submitted on October 23, 2009.

*Audrey G. Fleissig*  
AUDREY G. FLEISSIG  
UNITED STATES MAGISTRATE JUDGE

Dated this 4th day of January, 2010.